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10/023,544	12/17/2001	Michael John Branson	ROC920010172US1	2812

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MARTIN & ASSOCIATES, LLC  
IBM INTELLECTUAL PROPERTY LAW DEPARTMENT  
DEPARTMENT 917, BUILDING 006-1  
3605 HIGHWAY 52 NORTH  
ROCHESTER, MN 55901-7829

EXAMINER

WALSH, JOHN B

ART UNIT PAPER NUMBER

2151

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/023,544

Applicant(s)

BRANSON ET AL.

Examiner

John B. Walsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/17/01.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 19-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 19-29 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 14, lines 5-8, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., floppy disc, CDROM ) and intangible embodiments (e.g., digital and analog communication links). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. For the specification, carrier medium and transmission media would be not statutory but storage media would be statutory.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-18 and as best understood 19, 20, 22-31, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,838,918 to Prager et al.

As concerns claim 1, a computer system comprising: at least one processor (figure 4, computers inherently have a processor); a memory (figure 4, computers inherently have memory) coupled to the at least one processor; a network interface (figure 4, computers connected via a network, therefore the computers inherently have a network interface) coupled to the at least one processor, the network interface coupling the computer system to a plurality of other computer systems via a network (figure 4); an object oriented framework (abstract, line 15) mechanism residing in the memory and executed by the at least one processor, the framework mechanism comprising a cloning mechanism that replicates configuration data for a model computer system to at least one of the plurality of other computer systems (abstract, lines 5+).

As concerns claim 2, the computer system of claim 1 wherein the cloning mechanism comprises a first portion (system files, read only, column 10, line 39) that cannot be modified by a user and a second portion (executable files) that is extensible by the user.

As concerns claim 3, the computer system of claim 2 wherein the first portion comprises a model class (abstract, line 16) that defines a model object that corresponds to the model computer system and that contains the configuration data for the model computer system (system files).

As concerns claim 4, the computer system of claim 3 wherein the model object comprises configuration data that is defined by a user (column 7, lines 6-9) using a graphical user interface (figure 4, computers have a graphical user interface, column 10, line 7).

As concerns claim 5, the computer system of claim 3 wherein the model object comprises configuration data that corresponds to configuration data in a selected one of the plurality of other computer systems that is selected by a user (column 7, lines 6-9).

As concerns claim 6, the computer system of claim 2 wherein the second portion comprises a system aspect class that defines at least one system aspect object that defines at least one attribute of a computer system (column 7, lines 1-5).

As concerns claim 7, the computer system of claim 6 wherein the at least one attribute is selected from the group comprising: user IDs, file system, database, network configuration, environment variables, software products, fixes, hardware, and performance controls (column 7, lines 6-9).

As concerns claim 8, the computer system of claim 2 wherein: the first portion comprises a model class that defines a model object that corresponds to the model computer system and that contains the configuration data for the model computer system (column 15, line 25); the second portion comprises a system aspect class that defines at least one system aspect object that defines at least one attribute of a computer system (column 12, lines 8-11, lines 62-64); and the configuration data in the model object comprises a collection of system aspect objects (abstract).

As concerns claim 9, the computer system of claim 2 wherein the first portion comprises a system replicator class that defines at least one system replicator object that compares the configuration data in the model object to configuration data from at least one of the plurality of other computer systems, and that replicates the configuration data from the model object to the at least one of the plurality of other computer systems (abstract, line 13- updates).

As concerns claim 10, a computer system comprising: at least one processor (figure 4, computers inherently have a processor); a memory (figure 4, computers inherently have memory) coupled to the at least one processor; an object oriented framework mechanism (abstract, line 15) residing in the memory and executed by the at least one processor, the framework mechanism comprising: at least one object oriented model class that cannot be modified by a user (system files, read only; column 10, lines 28-29, column 10, line 39), the model class defining at least one model object that defines configuration data (abstract) for a model computer system; at least one system aspect class that is extensible by a user, the system aspect class defining at least one system aspect object that defines at least one attribute of a computer system (column 12, lines 8-11, lines 62-64), wherein the configuration data in the model object comprises a collection of system aspect objects (abstract); and at least one system replicator class that cannot be modified by a user (system files, read only; column 10, line 39), the system replicator class defining at least one system replicator object that compares the configuration data in the model object to configuration data from at least one selected computer system, and that replicates the configuration data from the model object to the at least one selected computer system (abstract, line 13- updates; column 10, lines 35-36).

As concerns claim 11, a method for changing the configuration of at least one selected computer system on a network, the method comprising the steps of: (1) providing an object oriented framework mechanism comprising a cloning mechanism that replicates configuration data for a model computer system to at least one selected computer system (abstract, line 15); (2) extending at least one extensible portion of the framework mechanism to define at least one system aspect for each selected computer system (column 12, lines 8-11, lines 62-64); (3)

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executing the extended framework mechanism (column 15, line 24, abstract); (4) defining configuration data for a model computer system (abstract, column 12, lines 59-65); and (5) the executing framework mechanism updating configuration data for each selected computer system according to the defined configuration data for the model computer system (column 10, line 35, abstract, line 13).

As concerns claim 12, the method of claim 11 wherein the executing framework mechanism compares the configuration data for each selected computer system with the defined configuration data for the model computer system to determine for which selected computer system step (5) is required (abstract, line 13, column 10, lines 35-36).

As concerns claim 13, the method of claim 11 wherein step (4) comprises the step of a user defining at least one system aspect using a graphical user interface (column 10, line 7, figure 4).

As concerns claim 14, the method of claim 11 wherein step (4) comprises the step of a user selecting one computer system on the network as the model computer system, wherein the configuration data for the selected one computer system is the source of configuration data for the model computer system (column 4, line 63- column 5, line 7).

As concerns claim 15, a method for changing the configuration of at least one selected computer system on a network, the method comprising the steps of: (1) providing an object oriented framework mechanism comprising: (1A) a model class that cannot be modified by a user (system files, read only, column 10, line 39), the model class defining at least one model object that defines configuration data for a model computer system (abstract, column 4, line 65); (1B) a system aspect class that is extensible by a user, the system aspect class defining at

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least one system aspect object that defines at least one attribute of a computer system, wherein the configuration data in the model object comprises a collection of system aspect objects (column 12, lines 8-11, lines 62-64); and (1C) a system replicator class that cannot be modified by a user, the system replicator class defining at least one system replicator object that compares the configuration data in the model object to configuration data from at least one selected computer system, and that replicates the configuration data from the model object to the at least one selected computer system (abstract, line 13-updates, column 10, lines 35-36); (2) extending the system aspect class of the framework mechanism to define at least one system aspect for each selected computer system (column 12, lines 8-11, lines 62-64); (3) executing the extended framework mechanism (column 15, line 24, abstract); (4) defining configuration data for a model computer system (abstract, column 12, lines 59-65); and (5) the executing framework mechanism updating configuration data for each selected computer system according to configuration data in the model object (column 10, line 35; abstract, line 13).

As concerns claim 16, the method of claim 15 wherein the executing framework mechanism compares the configuration data for each selected computer system with the defined configuration data for the model computer system to determine for which selected computer system step (5) is required (abstract, line 13, column 10, lines 35-36).

As concerns claim 17, the method of claim 15 wherein step (4) comprises the step of a user defining at least one system aspect using a graphical user interface (column 10, line 7; figure 4).



As concerns claim 18, the method of claim 15 wherein step (4) comprises the step of a user selecting one computer system on the network as the model computer system (column 4, line 63- column 5, line 7), wherein the configuration data for the selected one computer system is the source of configuration data for the model computer system (abstract, configuration data copied from one computer to another).

As concerns claim 19, a program product comprising: (1) an object oriented framework mechanism (abstract, line 15) comprising a cloning mechanism that replicates configuration data for a model computer system to at least one of the plurality of other computer systems (abstract, line 13); and (2) computer readable signal bearing media bearing the framework mechanism (figure 4, computers inherently have memory).

As concerns claim 20, the program product of claim 19 wherein the signal bearing media comprises recordable media (figure 4, computers inherently have memory).

As concerns claim 22, the program product of claim 19 wherein the cloning mechanism comprises a first portion (system files, read only, column 10, line 39, column 8, line 45) that cannot be modified by a user and a second portion that is extensible by the user (application that a user can write data to; executable portion).

As concerns claim 23, the program product of claim 22 wherein the first portion comprises a model class that defines a model object that corresponds to the model computer system and that contains the configuration data for the model computer system (column 10, lines 33-41; abstract).

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As concerns claim 24, the program product of claim 23 wherein the model object comprises configuration data that is defined by a user using a graphical user interface (column 10, line 7, figure 4).

As concerns claim 25, the program product of claim 23 wherein the model object comprises configuration data that corresponds to configuration data in a selected one of the plurality of other computer systems that is selected by a user (abstract, configuration data copied from one computer to another, user subscribes).

As concerns claim 26, the program product of claim 22 wherein the second portion comprises a system aspect class that defines at least one system aspect object that defines at least one attribute of a computer system (column 7, lines 1-9).

As concerns claim 27, the program product of claim 26 wherein the at least one attribute is selected from the group comprising: user IDs, file system, database, network configuration, environment variables, software products, fixes, hardware, and performance controls (column 7, lines 1-9).

As concerns claim 28, the program product of claim 22 wherein: the first portion comprises a model class that defines a model object that corresponds to the model computer system and that contains the configuration data for the model computer system (column 15, line 25); the second portion comprises a system aspect class that defines at least one system aspect object that defines at least one attribute of a computer system (column 12, lines 8-11; lines 62-64); and the configuration data in the model object comprises a collection of system aspect objects (abstract).

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As concerns claim 29, the program product of claim 22 wherein the first portion comprises a system replicator class that defines at least one system replicator object that compares the configuration data in the model object to configuration data from at least one of the plurality of other computer systems, and that replicates the configuration data from the model object to the at least one of the plurality of other computer systems (abstract, line 13-updates).

As concerns claim 30, a program product comprising: (1) an object oriented framework mechanism comprising: (1A) at least one object oriented model class that cannot be modified by a user (system files, read only, column 10, line 39), the model class defining at least one model object that defines configuration data for a model computer system (abstract, column 4, line 65); (1B) at least one system aspect class that is extensible by a user, the system aspect class defining at least one system aspect object that defines at least one attribute of a computer system (column 12, lines 8-11; lines 62-64), wherein the configuration data in the model object comprises a collection of system aspect objects (abstract, lines 15-16, column 12, lines 8-11; lines 62-64); and (1C) at least one system replicator class that cannot be modified by a user, the system replicator class defining at least one system replicator object that compares the configuration data in the model object to configuration data from at least one selected computer system, and that replicates the configuration data from the model object to the at least one selected computer system (abstract, line 13-updates, column 10, lines 35-36); and (2) computer readable signal bearing media bearing the framework mechanism (figure 4, computers inherently have memory).

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As concerns claim 31, the program product of claim 30 wherein the signal bearing media comprises recordable media (figure 4, computers inherently have memory).

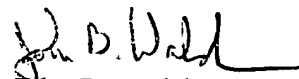
### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Wednesday from 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John B. Walsh  
Primary Examiner  
Art Unit 2151